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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/533,325      | 03/22/2000  | Nimrod Megiddo       | ARC000009US1-IBM    | 7964             |

7590 05/06/2003

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EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------|------------------------|---------------------|--|
| <b>Advisory Action</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                        | 09/533,325             | MEGIDDO, NIMROD     |  |
|                        | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                        | Naresh Vig             | 3629                |  |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

a)  The period for reply expires 3 months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4.  Newly proposed or amended claim(s) \_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1,4,9,10,12,13,15-16,21 and 22.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8.  The proposed drawing correction filed on \_\_\_\_ is a) approved or b) disapproved by the Examiner.
9.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10.  Other: See Continuation Sheet

## Continuation of 10. Other:

In response to applicant's argument that Minder is essentially a customer satisfaction reporting system. However, Minder states that "It is an object of the present invention to provide a method and apparatus for managing contract housekeeping services by using a computer system so as to improve the quality and value of the housekeeping services" [col. 1, lines 63 - 66]. "In one aspect, the invention is directed to a method for using a computer system to manage contract housekeeping services comprising a series of steps" [col. 2, lines 5 - 7]. In response to applicant's argument that Minder does not automatically manage agreements with contingencies where information regarding the contingencies is acquired from independent sources. However, Minder discloses that The grade may be used to determine compensation for specific housekeeping services (e.g. rate of compensation contingent upon performance level). Also, the grade may be used to determine whether or not to continue contract housekeeping services with the specific provider being evaluated (e.g. agreement to continue service is contingent upon performance) [col. 2, lines 23 - 27]. It is a business choice to restrict who can provide input into the system.

In response to applicant's argument that references involve direct management of information regarding contingencies by the participating workers themselves, applicant has indicated that Gundewar and Leymann disclose automated project planning and workflow management systems, respectively, to help internal "team members" (in the language of Gundewar) or "subscribers" (in the language of Leymann) plan and manage their projects. It is a business to decide on the participating team members for a project. A team member may be an employee, contractor, service provider etc.

In response to applicant's argument that none of the prior art references teaches or suggests automatically retrieving (versus merely accepting submissions of) information needed to deem an agreement to be determinate. Also, it is known at the time of invention to a person with ordinary skill in the art that businesses have implemented Electronic Data Interchange (EDI) to exchange data with their business partners.

In response to applicant's argument that the examiner notes that businesses hire "account managers or program managers" for manual transaction management, but this practice does not constitute a valid suggestion to combine the teachings of the prior art to produce the claimed invention. However, it is known at the time of invention to person with ordinary skill in the art that business are automating their high volume business process to save on errors and costs. For example, automation of purchasing process.

In response to applicant's argument that NYTimes reference is essentially an internet-based equivalent of a newspaper "morgue", the existence of which per se does not teach, suggest, or motivate combining or modifying the teachings of the prior art to produce the claimed invention, a requirement stated in *In re Fine* (previously cited). However, NY Times reference discloses that information can be retrieved from a remote independent system, for example, providing the market price, breaking news from news source like Associated Press (AP) etc. It is business choice to elect who should they get the information from..



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